

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
August 6, 2007

The Yadkin County Board of Commissioners met in Regular Session on Monday, August 6, 2007 at 9:00am in the Yadkin County Human Services Building (Commissioner's Meeting Room), 217 E. Willow Street, Yadkinville, North Carolina.

Present Were:

Chair Kim Clark Phillips
Vice Chair Tommy Garner
Commissioner Brady Wooten
Commissioner Chad Wagoner

[Commissioner Joel Cornelius was absent from today's meeting.]

Staff Present: County Manager, Eric Williams; County Attorney, Jim Graham; and Clerk to the Board, Gina Brown.

CALL TO ORDER by Chair Phillips at 9:03am

INVOCATION by Attorney Jim Graham

PLEDGE OF ALLEGIANCE led by Chair Phillips

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

Chair Phillips requested the following adjustments/additions to the agenda:

Economic Development Report.....Bobby Todd
Request to Purchase County Property..... Floy Nell Garrison
Contract Approval for Maintenance on Watershed Dams.....Jason Walker

Commissioner Wooten made a motion to approve the agenda with noted additions. Commissioner Wagoner second.

Vote: 4/0

PUBLIC COMMENTS

There were no speakers for Public Comment at today's meeting.
Public Comments Section closed at 9:05am.

APPROVAL OF MINUTES

Chair Phillips requested an adjustment to the June 25, 2007 Minutes as follows:
Pg. 3/3rd paragraph – should read “way of life”

Chair Phillips requested an adjustment to the June 27, 2007 Minutes as follows:
Pg. 18 – vote should be 4/1 (Wooten against)

Commissioner Wagoner requested an adjustment to the June 27, 2007 Minutes as follows:

Pg. 9/3rd paragraph – should read “but that there are no major capital projects planned for the very near future”

In addition, Chair Phillips commented on the lack of minutes for the July meetings. Ms. Phillips remarked that minutes for meetings should be available within a few days after a meeting.

Motion by Commissioner Wooten and second by Vice Chair Garner to approve the following Minutes with stated adjustments:

June 25, 2007 Public Hearing – Proposed '07-'08 Budget

June 27, 2007 Recessed Meeting – Proposed '07-'08 Budget

Vote: 4/0

PUBLIC HEARING

There were no items for Public Hearing at today's meeting or requests to set Public Hearings.

BOARD REPORTS/REQUESTS

Floy Nell Garrison of Garrison Realty, representing Cooper James and Associates, appeared before the Board of Commissioners. Mrs. Garrison presented an offer of \$240,000 for approximately 1 acre of land on Highway 601 and Jackson Street for the purpose of building a Dollar General Store.

[Garrison Realty Proposal could not be added electronically to the minutes, instead are offered as a hard copy and attached as Addendum A]

The original purchase price of this 1 acre lot had been \$215,000. Dollar General's original offer for the property was the same. Yadkin County submitted a counter-offer of \$265,000. Dollar General did not accept the counter offer and had planned to continue in their current space. However, the existing Dollar General Store experienced a fire and rebuilding is not an option. Dollar General is re-submitting a bid for the property at \$240,000. Commissioners agreed that they would like to see a larger profit margin, but would not disagree with the offered price. Commissioner Wooten remarked that the 1 acre tract would not be sufficient to support future growth in governmental services and would like to see the property support tax-paying real estate.

Vice Chair Garner made a motion to accept the offer. Chair Phillips second.

Upon council from County Attorney Graham, it was determined that a vote was not needed at this time. The county is required to advertise that an offer of \$240,000 has been made and allow an opportunity for additional bids. Once the 10 day notice period is over, the Board would then vote to accept any offer of their choice. It was the consensus of the Board to advertise the \$240,000 offer.

Vice Chair Garner and Chair Phillips rescinded their motions.

Soil and Water Director, Jason Walker, presented the following contracts for Attorney and Board approval:

- Deep Creek Watershed – Trash Racks and Animal Guard Replacement
- Deep Creek Watershed – Herbicide Application
- Deep Creek Watershed – Operation and Maintenance Sediment Removal

[Watershed contracts could not be added electronically to the minutes, instead are offered as a hard copy and attached as Addendum B]

Director Walker explained that these contracts are for typical maintenance on the watersheds but presented here today as a result of the new procedures involving contracts with county money. Director Walker stated that he had advertised for bids and received at least 2 bids per project. On each project, he accepted the lowest bids. Director Walker feels confident in the chosen providers as they have all completed projects for Yadkin County in the past.

**Commissioner Wooten made a motion to approve all 3 contracts.
Commissioner Wagoner second.**

Vote: 4/0

BOARD APPOINTMENTS

Soil and Water Director, Jason Walker requested appointment of the following 7 members to the Voluntary Agricultural District Board:

Jesse Brown	Marty Casstevens	Van Hemric
Brent Hunter	Kevin Long	Greg Moxley
Reggie Pilcher		

Director Walker explained that this action would re-establish this Board. All 7 prospects have agreed to serve and represent the agricultural community in all areas of Yadkin County. Director Walker further offered that the Cooperative Extension Director typically heads the committee but that Director Walker will also be heavily involved.

Commissioner Wooten made a motion to accept all 7 appointments to the Voluntary Agricultural District Board. Vice Chair Garner second.

Vote: 4/0

Public Health Director, Mike Reavis, requested reappointment of Anne Long and Brenda Ireland to the Board of Health. Director Reavis offered that both members have been excellent representation and have attended regularly. There were no concerns of the Board of Commissioners.

Commissioner Wooten made a motion to accept the 2 reappointments to the Board of Health. Vice Chair Garner second.

Vote: 4/0

BOARD REPORTS/REQUESTS (continued)

Piedmont Authority for Regional Transportation (PART) Director, Brent McKinney presented data on PART financing and services. Mr. McKinney reported that North Carolina has the 5th fastest growing population in the nation. In addition, Greensboro, Winston Salem, and High Point form the 34th largest metropolitan area in the nation. Regionally, over 100,000 people commute from the surrounding counties to this metropolitan area. This causes multiple concerns including traffic, congestion, fuel consumption, air quality, and parking. In 2002, the General Assembly created a regional transportation authority, now known as PART. Part provides vanpooling, park and ride lots, bus and van services to all of the region.

The General Assembly allowed only 2 means of additional financing:

- (1) The Board of Trustees could establish a \$1.00-\$5.00 license fee for each vehicle in the county with the consent of the Board of Commissioners of that county; or
- (2) The Board of Trustees could establish a 5% tax on short-term rentals of motor vehicles with the consent of the Board of Commissioners of that county.

The Piedmont Authority for Regional Transportation would like to establish potentially 4 park and ride lots in Yadkin County using both citizen carpooling and PART vans. Park and ride lots would be conveniently located within the county including the I-77 interchange and Highway 421 at Speer Bridge. After some discussion, it was agreed that the Board of Commissioners would entertain a resolution in regards to the 5% tax on rental vehicles at the next regular meeting of the Board.

Commissioner Wagoner made a motion to have PART bring forth a resolution stating the consent of the Yadkin County Board of Commissioners to establish a 5% tax on rental vehicles. Commissioner Wooten second.

Vote: 4/0

Information Services Director, Chris Shugart, presented data regarding the current county phone systems and a potential Voice Over IP System for county offices. Director Shugart stated that the current phone system is inadequate as the county leases phones as opposed to owning the system. This requires frequent service calls at \$75.00 per visit and does not include voice mail updates because the equipment is so outdated. After much research, Director Shugart is recommending the SureTel Voice Over IP System. Commissioner Wooten was concerned about the quality of internet system versus a local line system. Director Shugart explained that both are virtually the same, it only allows local staff more control of the service and maintenance. Chair Phillips asked about Voice Over IP through the local Yadkin Valley Telecom. Director Shugart replied that the local company had not responded to requests for information and that local technicians did not recommend Yadkin Valley Telecom. Commissioner Wooten did not feel that there was adequate information to make a decision. Chair Phillips remarked that department heads are the experts and are responsible for completing research and making appropriate recommendations. Additionally, Director Shugart reported that all county employees could have a separate line, cell phones would not be affected, and phone numbers will stay the same.

Commissioner Wagoner made a motion to replace the current phone system with Voice Over IP by SureTel as recommended by Information Systems Director, Chris Shugart. Vice Chair Garner second.

Vote: 4/0

Soil and Water Director, Jason Walker, presented two lease agreements for land in 5D tracts:

[Lease agreements could not be added electronically to the minutes, instead are offered as a hard copy and attached as Addendums C and D]

3.62 acres on old Wiley Ben Shore property leased to Mark Headen

Commissioner Wooten made a motion to approve the lease of this acreage to Mark Headon. Commissioner Wagoner second.

Vote: 4/0

12.05 acres on JD Groce/Inez Waddell property leased to Mark Headen

Commissioner Wooten made a motion to approve the lease of this acreage to Mark Headen. Vice Chair Garner second.

Vote: 4/0

President of Hoots Memorial Hospital, Lance Labine, spoke to the Board of Commissioners in reference to a house on the hospital property that the hospital had been leasing. Hoots Memorial Hospital is no longer in need of this house and according to the lease, it will revert back as an asset of the county. Mr. Labine further reported that he had been approached by Lieutenant Helms of the Sheriff's Office and Doris Dick of Elder Affairs for possible use of the house. Mr. Labine offered that the modular home can remain on the property but is not permanently mounted. The structure and grounds do allow for expansion. The home is also handicap accessible. Mr. Labine assumes that the lease-holder would be responsible for insurance.

Commissioner Wagoner made a motion to accept the property from Hoots Memorial Hospital. Commissioner Wooten second.

Vote: 4/0

Economic Development Director, Bobby Todd, presented an update on various economic development activities as follows:

- (1) There had been an increase in economic activity in July.
- (2) There had been 4 new site searches for Yadkin County with at least 2 appearing very positive.
- (3) The Lodging Tax passed the legislature. The T.D.A. will set a rate up to 6%.
- (4) The current Yadkin County unemployment rate is at 4.1%.
- (5) Phillips Van Heusen, Austin Company, and Lydall are all hiring.
- (6) Some discussions have occurred in regards to reactivating a foreign trade sub-zone for Yadkin County.
- (7) The Economic Development Council continues to meet every month.
- (8) Economic Development Leaders for Yadkin County are very excited about water and sewer lines and the possibilities for increased industry.
- (9) Operations at the Sara Lee Building continue to build and meet the lease agreement. The plant should be in full operation by the end of the lease.

Chair Phillips called for a recess at 11:05am. Meeting reconvened at 11:24am.

BOARD ACTION

The Board of Commissioners approved an increase in the Parks and Recreation Budget of \$8000 for the purchase of soccer goals and equipment at the July 23, 2007 meeting. That budget amendment was presented at today's meeting for approval.

August 6, 2007

General Fund

Dept: Parks and Recreation

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
County Wide Activities	1056120-55640	11,000.00	8,000.00	19,000.00
Appropriated Fund Balance	1044000-49000	1,396,200.00	8,000.00	1,404,200.00

To amend for the additional monies given to Parks and Recreation to purchase equipment for the new soccer field.

Commissioner Wagoner made a motion to approve the budget amendment of \$8000 for the Parks and Recreation Department to purchase soccer goals and equipment. Commissioner Wooten second. Vote: 4/0

In reference to Parks and Recreation, Chair Phillips had an additional matter to discuss. Chair Phillips had received an email from a citizen explaining that he and some others had been approached by town police while swinging at the park, were patted down, embarrassed, and told that they were not to be in the park after hours. According to the citizen, there are no posted hours and they did not realize that they were in the park after closing. Chair Phillips visited the park shortly thereafter and discovered that there are no signs posting the park hours.

Commissioner Wooten made a motion to post the opening and closing hours of the County Park to include the North Carolina General Statute covering trespassing violations. Vice Chair Garner second. Vote: 4/0

A budget amendment for the Tax Administration department was re-introduced. Budget amendment allows the paid accrued vacation time of a recently exited employee. Tax Administration Director, Phyllis Adams explained to the Board that any time you spend money that is not in your original budget, there must be a budget amendment. The starting salary of the new hire may offset this payout by budget year-end.

Date: July 23, 2007

General Fund:

Department: Tax Administration (Land Records)

Description	Account Number	Original Budget	Increase/(Decrease)	Amend
Appropriated Fund Balance	1044000-49000	1,391,616.00	4584.00	1,396,200.00
Salaries	1054141-51010	72,899.00	4034.00	76,933.00
Fica	1054141-51300	4520.00	250.00	4770.00
Medicare	1054141-51310	1057.00	58.00	1115.00
Retirement	1054141-51330	4374.00	242.00	4616.00

The reason for this amendment: Mr. John Bridgers, Land Records Supervisor tendered his resignation effective July 31, 2007 to accept a Tax Assessor Position in Polk County. The above amount is the accumulated vacation he has earned.

Commissioner Wooten made a motion to approve the budget amendment for accrued leave. Commissioner Wagoner second. Vote: 4/0

Director Adams reported to the Board that the Land Records Department would fall increasingly behind as a result of the vacant position. Director Adams had discussed contract work with exited employee, John Bridgers. Director Adams is suggesting that Mr. Bridgers contract to work on weekends at the same salary with no benefits.

Commissioner Wooten made a motion to approve contracted work of John Bridgers at the same salary without benefits. Vice Chair Garner second. Vote: 4/0

Soil and Water Director, Jason Walker, introduced a budget amendment for a No-Till Grain Drill. This budget amendment would allow for a trade-in on the current drill and would end the rental fee on maintenance.

August 6, 2007

Appropriated Fund Balance

Department: Soil and Water

Description	Account Number	Original Budget	Increase/(Decrease)	Amend
Appropriated Fund Balance	1044000-49000	\$150,071.00	\$12,500.00	\$162,571.00
Equipment	1054960-56010	\$1,475.00	\$12,500.00	\$13,975.00

Soil and Water Budget Amendment for a new No-Till Grail Drill

The money for this amendment comes from rental fee charged for maintenance of the drill. We want to trade the old drill plus this rental money for a new drill to be used by farmers in the county.

Commissioner Wooten made a motion to approve the budget amendment for a No-Till Drill. Vice Chair Garner second.

Vote: 4/0

Director Walker also reported that he had requested bids for a flat roof on the Agricultural Building. Director Walker will present to the Board when all bids have been received and reviewed.

Public Health Director, Mike Reavis, introduced a budget amendment adding carry-over grant money into the budget. This grant money would revert back to the state and federal governments if not used.

August 6, 2007

Health Department Budget Amendment

Description	Account Number	Original Budget	Increase/(Decrease)	Amended Budget
Healthy Carolinians	105519052055		858.70	858.70
EH Well Program/Supplies	105518052021		4,760.00	4,760.00
EH Well Program/Travel	105518054013		3,000.00	3,000.00
EH Well Program/Equipment	105518056009		31,800.00	31,800.00
BCCCP Komen Contract Services	105515151702		17,937.41	17,397.41
BCCCP Komen Supplies	105515152054		1,019.89	1,019.89
Wolfe Grant	105515754010		105.00	105.00
Appropriated Fund Balance	104400049000	1,404,200.00	(59,481.00)	1,463,681.00

To amend for carryover grants where the money was received in 2006-2007, but all was not expensed in 2006-2007.

Vice Chair Garner made a motion to approve the budget amendment for Public Health. Commissioner Wooten second.

Vote: 4/0

In addition, Director Reavis invited all Board members and interested parties to participate in a site visit at Hoots Memorial Hospital for potential relocation. Participants will meet in the hospital conference room at 6:30pm on Thursday, August 9.

MANAGER REPORTS/COMMENTS

County Manager, Eric Williams, reported the following to the Board:

(1) The Jail Committee met on July 26, 2007. The kitchen design with Aramark was discussed. The kitchen design will allow for Yadkin County to contract with other counties for food service. Town Manager, Ken Larking, has approached Manager Williams requesting that the new jail facility be built in the downtown area. Moseley Architects have been authorized to revise plans to accommodate a downtown location. Bid proposals for soil testing at the Reavis Road site have been mailed and responses are due by August 16, 2007. The next Jail Committee meeting will be August 14, 2007 at 3:00pm.

Chair Phillips commented that there is no need to increase the kitchen size of the new jail facility. At the point that the jail houses up to 150, contracted food service to other counties would stop.

There is currently 3 acres at the current jail location. The Town has agreed to sale the adjacent parking lot on Jackson Street as well. For this amount of limited space, the new jail would have to be 2 stories. A 2-story structure would cost more in operating expenses and personnel. Additional lots in the area will likely be unaffordable as the residents of that neighborhood have no need to sale.

Chair Phillips made a motion to proceed with rezoning of the Reavis Road property to Parallel Conditional Zoning MI1. Vice Chair Garner second.

Discussion continued. Commissioner Wooten was opposed to the rezoning as jail facilities on the Reavis Road site would scatter government services, not allow for adequate facility planning, require heavy site preparation, and Reavis Road is more suited for commercial property. In addition, Commissioner Wooten felt that residents of the area would be just as, or more, opposed to a jail facility than they were an animal shelter. Commissioner Wooten stated he had proposed a bond vote and the remaining Board members were opposed. Finally, Commissioner Wooten voiced his concern for additional safety issues for jail staff in transporting prisoners from the Reavis Road site to the downtown courthouse.

Commissioner Wagoner responded that the motion is to proceed with rezoning. A decision on the actual jail location has not yet been made. Rezoning now will only have the county one step further in the process should they decide to build the new facility at Reavis Road.

Chair Phillips reported that the most recent jail inspection was very “damning” and that the current facility is so far in violation. The current facility is dangerous for both inmates and personnel. All inspections and reports allude to the configuration itself as the problem. The layout of the jail is referred to over and over again in all reports.

Commissioner Wooten stated that housing prisoners out of county would be cheaper on the taxpayers than building a new facility. Further, the current jail could have necessary repairs and be used as a temporary holding facility.

Vote: 3/1 (Wooten against)

(2) Discussions and preliminary work continues on waterlines to Boonville. A preliminary cost estimate has been completed by Hobbs & Upchurch contingent on the award of the Community Development Block Grant of \$750,000. The grant submission deadline is the end of August. Chair Phillips added that further work in this area hinges on Boonville’s decision to proceed. Manager Williams remarked that waterlines to Boonville is part of the County’s master plan and will continue to have discussions in regards to cost-sharing.

CALENDAR NOTES

Manager Williams reported the annual meeting of the North Carolina Association of County Commissioners on August 16 and 17. Manager Williams and Chair Phillips will be attending.

Manager Williams reported that a joint meeting with the Board of Education will be forthcoming once the new superintendent is in place. Manager Williams assumes that the Board of Education will have some sort of welcoming reception for Dr. Benfield. Manager Williams would like to arrange a lunch meeting for the Manager, Chair Phillips, and Dr. Benfield to discuss county goals and plans.

COMMISSIONER COMMENTS

Commissioner Wooten had the following for discussion:

(1) Data concerning flushing costs on the Courtney line was presented at an earlier meeting. Commissioner Wooten would like to reintroduce his earlier motion.

Commissioner Wooten made a motion to extend waterlines to Courtney Elementary School and the future site of the Courtney Volunteer Fire Department to be covered by present funding and the current fund balance and to proceed immediately with right of ways. Commissioner Wagoner second.

Commissioner Wagoner added that he was not opposed to the original motion but felt that there were other pressing issues to discuss, primarily the 2007-2008 Budget.

Vote: 4/0

(2) Commissioner Wooten voiced concerns over the length of time it took to proceed with the I-77 project. Commissioner Wooten stated that the county would suffer an additional \$60,000 - \$70,000 in costs of pipe due to the "dragging of feet". Commissioner Wooten stated that there was no excuse for the delay.

(3) Commissioner Wooten voiced similar concerns over the delay in the sewer project for Hoots Road. Commissioner Wooten asked why the delay and why easements have not been acquired. Commissioner Wooten addressed the easement letters stating that a letter should have gone out within 10 days after notice to proceed was given. Extra resources could have been provided if needed. As a result, the County is facing an additional price increase. Commissioner Wooten stated that the County Manager is responsible to the Board of Commissioners.

Attorney Graham responded that the easement process is very time-consuming. In consideration, there were originally 27 property owners. The list narrowed to 19. Of the 19, only 5 or 6 have been reached, 2 were on vacation, 5 are deceased and heirs have to be located. Attorney Graham further remarked that he was trying to obtain as many easements as possible before reverting to the condemnation process.

Commissioner Wooten requested a positive resolution to this matter by the next meeting.

(4) Commissioner Wooten was concerned about a recent article in The Ripple titled *No Jail for Fred Hinshaw Road*. Commissioner Wooten felt that the article held errors and was misleading to the public. Commissioner Wooten wanted the public to understand that there is not a court order to build a new jail.

Commissioner Wooten made a motion requiring The Ripple to print corrections and clarifications. Motion died for lack of a second.

Discussion continued. Attorney Graham offered that this Board is under a Court Order to carry out the judge's demands and obligated to fulfill the legislative action they have already voted on. Commissioner Wooten reiterated that there is not a Court Order for jail construction. Commissioner Wagoner read the judge's statement and interpreted that a directive was issued and that the Board is required to take legislative action to fulfill the judge's directive.

(5) Commissioner Wooten requested that the County Manager remove the remaining budget materials from the Commissioners Chambers.

In reference to Court Orders, Vice Chair Garner commented that a Superior Court Judge has the authority to direct without an official court order. Commissioner Wooten remarked that the Board "rolled over" just like they did for the ACLU.

Chair Phillips, on behalf of Commissioner Cornelius, requested that the additional Foster Care worker for DSS be allowed. After further research, the DSS Board determined that the additional worker would be appropriate considering the caseload and trends.

Commissioner Wooten made a motion to approve the additional Foster Care worker for DSS. Commissioner Wagoner second.

Vote: 4/0

Chair Phillips thanked the clerk for the contact list for county departments. Chair Phillips requested that personal cell phone numbers for the Board be removed from the list. In addition, Chair Phillips thanked the Clerk for ordering the handbooks for County Commissioners.

Chair Phillips asked that Board members treat each other with respect and not personally attack.

Attorney Graham reported on a citizen call that he received. The family is requesting condemnation of a neighbor's property so that the road can be paved and the county can assume maintenance responsibilities. The Board agreed that this is not an issue for the Board.

Attorney Graham presented the latest data on delinquent tax collections.

**[Tax collection data could not be added electronically to the minutes,
instead are offered as a hard copy and attached as Addendum E]**

Vice Chair Garner made a motion to adjourn. Commissioner Wooten second.

Vote: 4/0

Meeting adjourned at 12:40pm.

Prepared and Approved by Clerk to the Board